

REMARKS

In the Office Action mailed May 9, 2005, Examiner rejected the claims as obvious over Tremblay in view of Ritola. Claim 1 is now amended to include the limitation of claim 6 (that is that the stop is a bumper stop) and to further clarify the invention, notably to better define how the stop prevents the downstream flow of the workpiece until the workpiece is lifted. Claim 6 is cancelled. The word "rigid" in "rigid stop" is removed from the claims.

Examiner objected to claim 3 as containing subject matter not supported in the drawings. Claim 3 is cancelled without prejudice, as are claims 8, 11 and 13 which depend from claim 3. Claims 12 and 14 are cancelled as directed to the embodiment of claim 3. Examiner's objections to the drawings and under 35 USC s112 are thereby obviated.

Examiner's objections to claim 1, line 8 and claim 17, line 2 have been addressed by minor editorial amendments to those claims.

In citing the Tremblay reference against the claims, Examiner opines that Tremblay (at reference numerals 134 or 52) provides the claimed stop. With regards to claim 6, applicant asserts that the term "bumper stop" is to be read together. The meaning of bumper is to describe the type of stop. The "stop" is a physical stop which stops the downstream movement of the workpiece. The fact that the claimed stop is a bumper stop merely means that it provides some form of protection for the workpiece as the workpiece is abruptly stopped by the bumper stop to minimize damage to the workpiece. In Tremblay the wood abutment surface 52 on first arm 50 and the front surface 134 of lobe 130 are not adapted as bumpers so as to absorb shock or prevent damage to use the definition offered by the Examiner, and one would not expect them to be so adapted in that they rotate in cooperation with the translation of the wood downstream. They do not stop downstream movement of the workpiece in the manner of the bumper stop of the present invention, and to the contrary, at least as shown in Figure 14 of Tremblay, are what appears to be relatively thin plate formed into the shape of the arms or lobes, which in applicant's view would not provide much if any of the advantage of a "bumper" were they mounted so as to rigidly stop the downstream flow of the workpieces as in the present invention. Rather, the

surfaces of the Tremblay arms or lobes rotate with the movement of the workpiece thereby allowing the workpiece to continue downstream at the same rate as the lugs, purportedly turning the workpiece so that it lands in the same place in the lug space from where it is picked up. The present invention turns the workpiece in and along the length of the lug space, in a relative sense holding the workpiece for a controlled turn while the lug space passes by underneath rather than trying to stay just ahead of the lug as illustrated in Tremblay. The use of the physical stop of the present invention to stop the flow of a workpiece provides, as stated in the application as filed, improved reliability in board turning (page 2 lines 3-4).

This is neither taught nor suggested by Tremblay, Tremblay teaching away from the present invention by providing for rotation in place, that is, adjacent the lug. There is no suggestion to use the length of the lug space, and hence nothing is taught or suggested for moving the workpiece to the downstream end of the lug space to provide the space for turning the workpiece while still staying in the original lug space. Without some motivation to combine Tremblay with the cited Ritola reference, for this reason alone, applicant respectfully submits that it is improper to combine the references as to do so can only be with the benefit of impermissible hindsight.

Applicant submits that claim 1 as amended patentably distinguishes over the cited art and that the remaining dependent claims are patentable for at least the reason that they depend from such a claim and therefore include the limitations of that claim.

REQUEST FOR EXTENSION OF TIME UNDER 37 CFR, SECTION 1.136

Applicant hereby requests a two month extension of time to respond to the Office Action to and through October 9, 2005.

Examiner is respectfully requested to now pass this application to allowance.

Respectfully submitted,  
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Oct 6/05  
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